

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEFANI ROSSI REO,)	CASE NO.1:19CV2786
)	
Plaintiff/)	SENIOR JUDGE
Counter-Defendant)	CHRISTOPHER A. BOYKO
vs.)	
)	
MARTIN LINDSTEDT,)	ORDER
)	
Defendant/)	
Counter-Claimant)	

CHRISTOPHER A BOYKO, SR.J.:

On February 3, 2022, the Court issued a Show Cause Order on Defendant /Counter-Claimant Martin Lindstedt why his counterclaims should not be dismissed for failure to serve Counter-Defendants Stefani Reo, Bryan Reo, Anthony Reo, Kyle Bristow, Brett Klimkowsky, Patrick Condon, Lake County, Ohio Court of Common Pleas, The State of Ohio and the United States of America.

Lindstedt filed his Objection on February 22, 2022, contending that when Counter-Defendants refused to waive service under Fed. R. Civ. P.4(d) Lindstedt did not bother to attempt regular service due to the expense after the waiver of service was rejected by the Counter-Defendants.

To effectuate service upon a defendant, the plaintiff/counter-claimant is required by the Civil Rules to act in a reasonable and diligent manner. Specifically, Rule 4(m) of the Federal

Rules of Civil Procedure provides:

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Lindstedt has failed to establish good cause for failing to serve Counter-Defendants for nearly three years.

Therefore, the Court dismisses his counterclaims under Rule 4(m) for failure to timely serve. IT IS SO ORDERED.

/s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge